UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/394/Add.1
6 November 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Initial reports of States parties due in 2001

Addendum

LIECHTENSTEIN*

[26 March 2001]

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* This document contains the initial report of Liechtenstein due on 1 March 2001.

The annexes to the report submitted by the Government of Liechtenstein may be consulted in the secretariat's files.

GE.01-45737 (E) 121201

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Introduction

1. The present report is submitted in conformity with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965. It describes legislative, administrative and other measures that have been taken pursuant to the Convention. This is the initial report submitted by Liechtenstein and covers the period ending 31 March 2001.

2. In accordance with the guidelines for the submission of reports under human rights instruments, Part I of the report contains general information on Liechtenstein and respect for human rights in the country. Part II focuses on the general guidelines of the Committee on the Elimination of Racial Discrimination, and contains information on the individual articles of the Convention.

PART I - GENERAL INFORMATION

I. Land and people

A. Geography

3. The Principality of Liechtenstein covers an area of 160 km^2 and is enclosed between Switzerland and Austria. Liechtenstein is divided into 11 communes, the two largest of which have a population of just over 5,000 each. The highest point in Liechtenstein is 2,599 metres above sea level (the Grauspitze), and the lowest point is 430 metres above sea level (the Ruggeller Riet). A quarter of the land area is situated in the Rhine valley, while the other three quarters are on the surrounding slopes and in the inner regions of the Alps. The capital and seat of Government of Liechtenstein is Vaduz.

B. Population

4. In late 1999, Liechtenstein had a resident population of 32,426. Of this number, 34.3 per cent were foreigners. Of all the foreigners resident in Liechtenstein, 45.5 per cent are from countries participating in the European Economic Area (EEA),[1] mainly Austria and Germany, and 34.7 per cent are from Switzerland. Third countries therefore account for 19.8 per cent, which includes 7.8 per cent from Turkey and 7.5 per cent from States of the area of the former Yugoslavia (including the Federal Republic of Yugoslavia, Bosnia and Herzegovina and Croatia).

C. Population structure

5. Between 1990 and 1998, there were, on average, 399 births each year. Infant mortality has been decreasing steadily since the 1950s, and Liechtenstein now has a very low infant mortality rate. During the last 10 years, an average of 3 out of every 1,000 children died within one year of birth. In late 1999, 18.6 per cent of the population were under 15 years of age, while 10.5 per cent of the population were older than 65. Average life expectancy has been rising steadily for the past 30 years, and averaged 74.8 years for women and 67.1 years for men for the period from 1990 to 1998.

D. Religion

6. In late 1999, 77.8 per cent of the total population were Roman Catholics, 7.1 per cent Protestants and 3.5 per cent Muslims, while 9.5 per cent of the population did not provide data on their religious affiliation.

7. The Constitution of Liechtenstein guarantees freedom of belief and conscience to all persons, and also guarantees civil and political rights irrespective of one's faith. Children may be excused from religious education in public schools by invoking religious freedom.

8. Under the Constitution, the Catholic Church is the established Church of Liechtenstein. Financial support is provided to the Protestant Church, in addition to the Catholic Church. As a result of the constitution of the Archdiocese of Liechtenstein, the issue of the separation of Church and State is currently being examined. A draft amendment to the Constitution and a draft law on religion aimed at separating Church and State are currently being developed.

E. Languages

9. The Constitution establishes German as the national and official language of Liechtenstein. A German dialect with Alemannic characteristics is spoken in day-to-day situations.

II. Education system

A. Public education

10. The public education system in Liechtenstein comprises compulsory education and various forms of further education (technical college, apprenticeships, vocational school and evening school). While there is no State-run university in Liechtenstein, access to university education in neighbouring States is guaranteed by means of bilateral treaties. For children and adolescents between the ages of 7 and 16 there is a period of nine years' compulsory school attendance - five years of primary and four years of secondary school. Graduating from upper secondary school (Gymnasium) requires 13 years of study.

B. Private education

11. Currently, there are two private schools and two private universities (the International Academy for Philosophy and the University of the Arts) in Liechtenstein.

12. Under the provisions of the Education Act, the establishment and operation of private schools in Liechtenstein is subject to authorization based on a guarantee of universally accessible instruction that is in conformity with relevant regulations and consistent with the purposes of the national education system. The curricula of private schools must be in line with those of public schools.

C. Supplementary education for children from foreign countries

13. Intensive German language courses are provided for non-German-speaking children of school age. These courses are well integrated into the public school curriculum and promote the integration of the children concerned at both the linguistic and the cultural levels. Moreover, the State provides support, in the form of the necessary infrastructure, for language and social studies courses relating to their country of origin that are organized by private bodies (foreign associations).

III. General political structure

A. Form of government

14. The Principality of Liechtenstein is a hereditary constitutional monarchy with democratic and parliamentary traditions. The power of the State is vested in the Prince and in the people.

15. The current Constitution dates back to the year 1921, and was the outcome of a process of renewal following the end of the First World War. In comparison to the earlier Constitution of 1862, the Constitution of 1921 extended considerably the rights of the people as compared to the Prince, inter alia by introducing elements of direct democracy. Discussions on revising the Constitution are currently under way.

B. Division of powers

16. In the dual system of government of the Principality of Liechtenstein, the power of the State is vested in the Prince and in the people. The division of powers is further ensured by the fact that the executive (the Government), the legislature (the Diet) and the judiciary (the courts) all have their own authority. As the Government is appointed by the Prince on the recommendation of the Diet, the majority in the Diet is also the majority in the Government.

C. The Prince

17. The Prince has a powerful position in the structure of the State of Liechtenstein. He is the Head of State and represents the State in all its relations with foreign countries, notwithstanding the need for the cooperation of the Government in power. He appoints the members of the Government on the recommendation of the Diet, and also appoints the judges of the civil and criminal courts, with the exception of members of the Jury and Criminal Court, as well as the Chief Justice of the Administrative Court. The Prince has the power to issue pardons, to commute and quash sentences and to stop criminal inquiries. His position is further strengthened by the fact that he has the authority to issue emergency decrees and to dissolve the Diet for valid reasons. Moreover, every law requires the approval of the Prince in order to take effect. Nevertheless, the Prince is bound by the provisions of the Constitution in the exercise of his powers.

D. The Parliament (Diet)

18. The Parliament of Liechtenstein, known as the Diet, is elected for a term of four years. The Diet consists of 25 deputies who are elected through universal, equal suffrage by direct and secret ballot in accordance with the system of proportional representation. During the current term (2001–2005), three parties are represented in the Diet - the Progressive Citizens' Party (FBP) with 13 seats, holds an absolute majority, the Patriotic Union (VU) has 11 seats, while the Free Voters' List (FL) is represented by 1 seat.

19. The principal functions of the Diet are to participate in the elaboration of legislation, approve international treaties, pass the State budget, make recommendations regarding the appointment of the Government and various judges, and supervise the national administration. The quorum for decision-making in the Diet is two thirds of the deputies.

E. The Government

20. The Government consists of five members: the Head of Government, the Deputy Head of Government and three other members. The members of the Government are appointed by the Prince on the recommendation of the Diet. The Head of Government has the power to countersign all decrees and orders issued by the Prince, as well as legislation endorsed by the Prince. The Government is the highest executive body in the land, with authority over some 30 departments, a number of diplomatic missions abroad, and offices. The administration is supported in its work by some 50 commissions and advisory councils.

21. The Government has the authority to issue ordinances and, therefore, also functions as a legislative body. Ordinances may, however, only be enacted within the context of laws and international treaties.

F. Jurisdiction

22. Jurisdiction is divided into public law (special) jurisdiction and general jurisdiction. Public law jurisdiction rests in the Administrative Court of Appeal and the Supreme Court. The Chief Justice of the Administrative Court of Appeal and the Deputy Chief Justice are appointed by the Prince on the recommendation of the Diet. Appeal court justices are appointed by Parliament, for a four-year term that runs concurrently with the term of office of the Diet. The Administrative Court of Appeal hears appeals against decisions and orders of the Government or of commissions acting on its behalf. There can be no further ordinary appeal against rulings of the Administrative Court of Appeal. The Supreme Court is charged, in particular, with the protection of the rights guaranteed in the Constitution and set forth in the European Convention on Human Rights as well as in the United Nations human rights core instruments: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. The Court also rules on the constitutionality of laws and the legality of ordinances issued by the Government.

23. General jurisdiction entails the administration of justice in civil and criminal cases. The principles of oral examination, personal appearance and free submission of evidence apply, as well as the accusatory principle in criminal cases. The court of first instance is the Princely Regional Superior Court in Vaduz. In respect of civil litigation, a mediation procedure must first be conducted in the defendant's place of residence before a suit can be brought to the Superior Court. Only if this fails can application be made to the Superior Court as the court of first instance. The court of second instance is the Princely High Court and the court of third instance the Princely Supreme Court.

G. Communes

24. The political landscape in Liechtenstein is divided into the State level and the communal level. The 11 political communes maintain a high level of autonomy. The autonomy of the communes is an important feature of the political structure of Liechtenstein. The Constitution establishes the scope of autonomy for the 11 communes. The citizens in each commune elect a council, headed by a chairperson who functions on a full- or part-time basis, depending on the size of the commune. The communal authorities are independent as regards the conduct of their business and are responsible for the administration of their own budgets. Citizens can appeal the decisions of the communes by means of a referendum.

IV. Economic and political integration

25. Since the early nineteenth century, Liechtenstein has been pursuing an active foreign policy through which it has sought mainly to strengthen its sovereignty and to achieve improved political and economic integration at the European and international levels. The process of industrialization and economic growth which began in the 1960s and continues today has made it possible gradually to achieve such integration.

26. In 1960 Liechtenstein joined the European Free Trade Association through its customs union with Switzerland, and later became a full member in 1991. In 1975, it became a member of the Organization for Security and Cooperation in Europe and in 1978, a member of the Council of Europe. Liechtenstein subsequently joined the United Nations in 1990 and the World Trade Organization in 1995. Also in 1995 Liechtenstein became a State party to the treaty establishing the European Economic Area (EEA).

27. Liechtenstein currently maintains diplomatic missions to the United Nations in New York, Geneva and Vienna, as well as to the European Union in Brussels and to the European Free Trade Association and the World Trade Organization in Geneva. Liechtenstein also maintains a Permanent Representation to the Council of Europe in Strasbourg and a Permanent Mission to the Organization for Security and Cooperation in Europe in Vienna.

V. The economy

A. Economic area

28. Liechtenstein and Switzerland have constituted a common economic area (economic and monetary union) since 1924, when the customs union between the two countries entered into

force. The border between the two States is open, while the border with Austria is guarded by Swiss Customs. The Currency Agreement with Switzerland establishes the Swiss franc as the legal tender in Liechtenstein. Moreover, as stated above, Liechtenstein has been a part of the European Economic Area since 1995, forming a single domestic market with the 15 member States of the European Union, Norway and Iceland.

B. Structure of the economy

29. Liechtenstein is a modern industrialized and service-oriented State with ties to countries all over the world. It owes its economic success over the recent decades to favourable overall conditions created by a liberal economic legislative framework. Liechtenstein also has a highly productive, globally oriented industrial sector which accounts for over 60 per cent of the gross national product, as well as a diversified and competitive commercial sector. This broad range of diversification has been and continues to be a key factor in the steady growth of the economy of Liechtenstein and its ability to avoid recessional tendencies.

C. Structure of employment

30. Because of Liechtenstein's small size and the prevailing positive trends in its economy, a large proportion of the labour force is recruited from neighbouring countries, with workers commuting across the national border. In late 1999, there were 16,668 economically active residents of Liechtenstein, which figure represented 51.4 per cent of all inhabitants. Of these, 15,602 were employed in Liechtenstein and 1,066 abroad. In addition to the 15,602 people employed in Liechtenstein, there were 9,741 others who were commuting on a daily basis from the neighbouring countries. At that time, Liechtenstein thus provided work for 25,343 people.

31. Agriculture is no longer of major significance for the national economy. However, the primary sector is still an important one with respect to food self-sufficiency in times of crisis and the care and preservation of the natural and cultural landscape. In late 1999, 1.3 per cent of the labour force resident in Liechtenstein was still employed in the primary sector. Although the service sector in Liechtenstein (trade, financial services, tourism, education, etc.) has been expanding steadily, and accounted for 53.5 per cent of all fully employed persons in late 1999, the country still maintains an active and diversified secondary sector (industry, crafts, construction, etc.), which accounted for 45.2 per cent of all fully employed persons during the same period.

D. Unemployment rate

32. Unemployment is low by international standards, and rarely exceeds the 2 per cent mark. The unemployment rate in late 2000 stood at 1.2 per cent.

E. Inflation rate

33. On the basis of the economic and monetary union of Liechtenstein with Switzerland, inflation is expressed in terms of the Swiss National Consumer Price Index. In 2000 the inflation rate in Liechtenstein was 1.6 per cent.

VI. General legal framework within which human rights are protected

A. Fundamental rights and freedoms

34. The Constitution of the Principality of Liechtenstein guarantees a number of fundamental rights, specifically the right to freedom of residence and the right to own property, personal freedom, domestic authority, privacy protection as regards correspondence and written communications, the right to due process before a duly appointed judge, the inviolability of private property, freedom of trade, freedom of belief and conscience, the right of free expression and freedom of the press, the right to freedom of association and assembly, the right to petition and the right of appeal.

35. The Constitution also guarantees equality before the law for all citizens and stipulates that the rights of foreigners shall be determined by international treaties, in the first instance, or, in the absence of such, on the basis of reciprocity.

B. National and international jurisdiction

36. Everyone who believes that his or her fundamental rights and freedoms have been violated is entitled to apply to the courts or to file a complaint on the matter. Relief may take the form, inter alia, of an order to set aside an administrative or government decision, or an order for the payment of compensatory, nominal or substantial damages. It is the function of the Supreme Court of Liechtenstein to rule on the constitutionality of existing laws and, where necessary, to render void laws or ordinances, or parts thereof. An appeal may also be lodged, in specific cases, with the European Court of Human Rights in Strasbourg, Liechtenstein having acceded, on 8 September 1982, to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950. Such appeals are subject to the condition that all avenues of domestic remedies within Liechtenstein have been exhausted.

37. The Supreme Court also has responsibility for ensuring compliance with the provisions of the European Convention on Human Rights.

C. Ratification and implementation of international human rights legislation

38. In addition to the International Convention on the Elimination of All Forms of Racial Discrimination, Liechtenstein, as a member State of both the United Nations and the Council of Europe, has ratified the following European and international instruments relating to the promotion and protection of human rights:

- The Charter of the United Nations, of 26 June 1945;
- The Convention of 28 July 1951 and the Protocol relating to the Status of Refugees, of 31 January 1967;
- The International Covenant on Civil and Political Rights, of 16 December 1966;

- The International Covenant on Economic, Social and Cultural Rights, of 16 December 1966;

- The Optional Protocol to the International Covenant on Civil and Political Rights, of 16 December 1966 and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, of 15 December 1989;

- The Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979;

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of 10 December 1984;

- The Convention on the Rights of the Child, of 20 November 1989;

- The Statute of the Council of Europe, of 5 May 1949;

- The European Convention for the Protection of Human Rights and Fundamental Freedoms, of 4 November 1950, including various Protocols;

- The European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of 26 November 1987, including Protocols 1 and 2;

- The Framework Convention for the Protection of National Minorities, of 1 February 1995 and the European Charter for Regional or Minority Languages, of 5 November 1992;

- The European Agreement relating to Persons Participating in Proceedings of the European Court of Human Rights, of 5 March 1996.

39. Furthermore, Liechtenstein is a State signatory to the Rome Statute of the International Criminal Court (ICC) and ratification of the Statute is envisaged for 2001.

D. Incorporation of international human rights instruments into national law

40. Liechtenstein subscribes to the principle that treaty obligations should be entered into only when internal compliance is possible. An international treaty ratified by the Government of Liechtenstein (with the authorization of the Parliament or the people in most cases) becomes a part of national law from the time of its entry into force for Liechtenstein (principle of "self-executing"). There is no need to draft a law specifically for the purpose of incorporating the treaty into the national legal system, provided that the provisions of said treaty are specific enough to serve as grounds for court rulings. In accordance with existing practice, international treaties are afforded a minimum status equal to that of law.

E. National information policy regarding human rights conventions

41. All laws and regulations, including international agreements, are discussed in the Diet and must be published in the National Law Gazette (Landesgesetzblatt-LGBl.) of Liechtenstein upon their entry into force. The newspapers also publish reports on the entry into force of such instruments, the texts of which may be obtained from the Government Administrative Office. The public therefore has access to all legal instruments. As regards international human rights instruments, once these are approved by the Parliament, the public is informed by the Government upon their entry into force, and thereafter as required.

PART TWO - INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

VII. Overview of Liechtenstein's policy to prevent and combat racial discrimination

A. General remarks on the ethnic characteristics of the population of Liechtenstein and on State policy for the elimination of racial discrimination

1. Foreign population

42. Foreigners account for a relatively high 34.3 per cent of the population of Liechtenstein (as at 31 December 1999). Of this figure, 45.5 per cent come from the countries of the European Economic Area and 34.7 per cent from Switzerland. In addition, approximately 10,000 people working in Liechtenstein commute across the border every day from the surrounding regions of Austria and Switzerland.

43. Roughly 80 per cent of all foreigners living in Liechtenstein have been residing in the country for over 10 years and are well integrated in Liechtenstein society. This is due in part to the fact that, for the vast majority of foreigners coming from Switzerland, Austria and Germany, there is no language barrier to integration, and their cultural and religious background is very similar to that of the people of Liechtenstein.

2. Immigration policy

44. Liechtenstein's immigration policy is not based on a preferential system, whereby the country of origin of a foreigner represents either an advantage or a disadvantage. Rather, immigration policy is based on the principle of equal treatment in conjunction with that of reciprocity, and is determined by Liechtenstein's obligations under bilateral and multilateral international treaties. Such a policy is in conformity with the provisions of article 1, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (hereinafter referred to as "the Convention").

45. Under such bilateral and multilateral treaties, nationals of the countries of the European Economic Area and Switzerland are given preferential treatment in comparison to nationals of other countries. For Swiss nationals, this preference is based on the Agreement

of 6 November 1963 between the Principality of Liechtenstein and Switzerland on the legal status of the nationals of each State in the other contracting State[2] and, for nationals of the countries of the European Economic Area, the Agreement on the European Economic Area.[3]

46. Nationals of all other countries are treated equally in terms of the procedure for granting residence permits, provided that they meet the requirements as established in the Movement of Persons Ordinance[4] and in the Act on the Procedure for the Granting of Residence Permits.[5] The determining factor for decisions regarding the entry of foreigners into the Liechtenstein labour market is the principle of qualifications.

47. This also applies to the case of frontier commuters. Third-country nationals with Swiss residence or establishment permits who work in Liechtenstein are governed by the Agreement of 6 November 1963 between the Principality of Liechtenstein and Switzerland on the Administration of the Aliens Registration Office in respect of Third-Country Nationals in the Principality of Liechtenstein and on Cooperation in the Area of Alien Registration.[6] Entry into the Liechtenstein labour market is therefore decided primarily on the basis of professional qualifications. Moreover, exceptions may be made granting nationals of countries other than Switzerland and the countries of the European Economic Area a short stay for the purpose of practical professional development training in a Liechtenstein company. Such persons are admitted under international law within the framework of the World Trade Organization Agreement.[7] Frontier commuters from European Economic Area States such as Austria and Germany have free access to the Liechtenstein labour market, and are required only to register with the appropriate authorities.

3. Legislation on naturalization

48. The Act on Facilitated Naturalization for Long-term Resident Aliens[8] came into force in 2000. This law makes no distinction on the basis of the race or nationality of non-nationals for purposes of naturalization. The only factor to be considered in this regard is the period of time during which the person has been residing in Liechtenstein. The naturalization process has thus been liberalized in order to enable persons who have been residing in Liechtenstein for a long time, to acquire political and civil rights.

4. Refugee policy

49. Liechtenstein's Refugees Act[9] came into force in 1998. The Law makes no distinction between asylum-seekers of different origins. The underlying principle of equal treatment holds for all applicants, and the procedures set out in the Refugees Act are applied to all asylum-seekers equally.

50. Liechtenstein has also felt the effects of the conflicts occurring in various regions of the world, in particular the armed conflicts in the former Yugoslavia. In the period from 1998 to 2000 as many as 600 refugees, most of them from the former Yugoslavia, found shelter in Liechtenstein. Desirous of ensuring entry into the country without excessive bureaucracy to persons seeking protection from the armed conflict in Kosovo, Liechtenstein was the first European country to grant blanket protection to the refugees.[10] After the fighting ended, Liechtenstein participated in Switzerland's highly regarded repatriation assistance programme

for Kosovo refugees. Most of the refugees took part in the programme and returned to their homeland. Because refugees in Liechtenstein could work,[11] which they had not been allowed to do in other countries, they were able to accumulate savings for their return during their stay in Liechtenstein, and this, coupled with the financial support that they received from the Government under the repatriation assistance programme, subsequently made it considerably easier for returnees to make a new start in their homeland. Some 120 persons, most of them from Kosovo, still remain in Liechtenstein as asylum-seekers.

51. In order to educate the population of Liechtenstein and, in particular, young people on the situation of refugees and national refugee policy and thereby combat prejudice and prevent xenophobic tendencies, various information activities were conducted in schools and in the Youth Parliament in 2000. Refugee children are required to attend school, in accordance with the Refugees Act[12] and with the ruling of the Supreme Court, and this also contributes to efforts at integration and promotes mutual understanding.

5. State policy for the elimination of racial discrimination

52. In recent years, there has been a rise in xenophobic tendencies in countries surrounding Liechtenstein as well as in Liechtenstein itself. In 1998, some 25 incidents involving youths or young adults with right-wing extremist beliefs and, in some cases, an increased propensity for violence came to light. This prompted the Government of Liechtenstein to establish an expert group on right-wing extremism within the Liechtenstein police force with the mandate to monitor more closely the evolution of persons and groups adhering to such ideologies, to prosecute resolutely criminal offences linked to right-wing extremism, and to take all measures necessary to prevent activities of the radical right. A coordinating group on right-wing extremism was also set up to improve coordination among State entities in preventing and combating right-wing extremism. This group meets regularly with the above-mentioned expert group to discuss measures to be taken in this area. Moreover, several preventive measures have been taken in schools and in the area of youth social work.

53. As regards legislation, provisions complementary to the Criminal Code[13] have been adopted which establish sanctions for the commission of or incitement to racist acts and the dissemination of racist ideas. These complementary provisions are an additional basis for the prosecution of all forms of racial discrimination.

B. Constitutional and legal framework for the fight against racism and the promotion and protection of the recognition, enjoyment or exercise of human rights and fundamental freedoms

1. The Constitution

54. Article 31, paragraph 1, of the Constitution of Liechtenstein of 1921[14] prohibits discrimination in respect of citizens of Liechtenstein. Paragraph 3 of the same article provides that such prohibition of discrimination shall also apply to citizens of other countries through accession to international treaties or the principle of reciprocity. By ratifying the Convention,

Liechtenstein introduced a prohibition of racial discrimination based on this principle. Fundamental freedoms for all are guaranteed in articles 28 to 44 of the Constitution. These freedoms also apply to foreigners, in accordance with article 31 of the Constitution, on the basis of international law treaties and the principle of reciprocity.

2. Legislative provisions

55. The Criminal Code.[15] The amendment to the provisions of article 33, paragraph 5, and article 283 of the Criminal Code of Liechtenstein of 15 December 1999 provided the criminal law foundation for the punishment of public acts of racial discrimination committed by private individuals, in accordance with article 1 of the Convention (the Racism Act). The Code of Criminal Procedure[16] was amended accordingly.

56. Employment Contracts Act.[17] Worker protection is established in article 27, paragraph 1, of the Employment Contracts Act. Article 46, paragraph 1 (a), stipulates that the termination of a labour relationship on the ground of personal traits, that is to say, on the basis of race, colour, descent, nationality or ethnic origin, shall be considered wrongful termination.

57. Refugees Act.[18] Based on the principle of equal treatment, no distinction is made in the Refugees Act between nationals of different countries or between members of particular "races".

58. Aliens Act.[19] The criteria for entry into Liechtenstein as set out in the Ordinance on the Movement of Persons and in the Act on the Procedure for the Granting of Residence Permits are to be applied with no account being taken of factors relating to race, such as citizenship or country of origin. These criteria are based on the principle of equal treatment.

59. Law on Naturalization.[20] In Liechtenstein, nationality is normally acquired by birth (the principle of jus sanguinis), but may also be acquired through marriage.[21] Apart from those two factors, the only other factor to be considered for acquiring the nationality of Liechtenstein is the length of time that the applicant has resided in the country. Other criteria such as his or her nationality or country of origin are not determining factors for naturalization. However, a person must renounce his or her former citizenship upon naturalization.

C. The situation of women and minority groups as regards protection from racial discrimination

1. Women

60. While de jure gender equality has been largely achieved in Liechtenstein, there still persist de facto patterns of discrimination against women. This is especially true for foreign women, who, because of language and cultural barriers and the fact that they are often economically dependent, also find themselves in a comparatively weaker position. The Government of Liechtenstein attaches highest priority to achieving full gender equality in the country.

61. For example, in non-German-speaking families in which the men work and the women take care of the children and the household, the women's language skills are usually at a lower level than those of the men. The women are less integrated into society, and it is more difficult for them to inform themselves about their rights and obligations. Accordingly, they are less able to defend themselves against violations of their human rights - including racist acts - and to exercise these rights.

62. Foreign women in gainful employment are, more so than men, very likely to be unable to bring their families with them, since they often do not earn enough to meet the needs of an entire family. Moreover, applicants must have a job that adequately provides for the family's needs in order for them to be allowed to relocate to Liechtenstein. Women who are able to bring their families to live with them are by necessity dependent on a job and therefore less likely to fight against wage discrimination, and employers may take advantage of this.

63. In this context, the Women's Information and Contact Office (Infra) in Liechtenstein launched the "Migrant Women's Project" in the spring of 2000, with a view to promoting the independence and integration of foreign women through the provision of language courses, counselling services and information. For this project, Infra was awarded the Equality Prize for 2000 by the Government of Liechtenstein. In addition the Office of Social Services offers foreign families and couples of different nationalities counselling and therapy in problem situations relating to immigration issues, as well as German language courses, where needed, to resolve language problems. Some women's groups also offer child-care services.

64. Not all foreign women are confronted with language or cultural problems. The majority, namely 80 per cent, of foreign women originate from States neighbouring Liechtenstein, with a similar cultural background and the same language. These problems thus only affect a small proportion of foreign women in Liechtenstein.

2. Minorities

65. Ethnic minorities. There are no large ethnic minority groups in Liechtenstein. Persons from the neighbouring States, where the language and culture are similar, make up most of the relatively high number of foreigners in the country. The proportion of non-German-speaking persons from different cultural backgrounds who may have difficulty integrating into the society is therefore relatively small. Liechtenstein promotes the integration of minorities through, inter alia, additional instruction in German for non-German-speaking children in schools or the above-mentioned counselling services offered to foreign families, with particular emphasis on women (see subsection 1 above on women).

66. At the same time, Liechtenstein deems it important to provide support for minorities in the preservation of their own cultures and languages. Consequently, the necessary infrastructure (classrooms, etc.) is made available to private bodies which provide language and social studies courses to foreign children on their country of origin, and public school timetables are, accordingly, structured with some flexibility. Integration is not seen only as a process whereby the minority conforms to the majority, but as a reciprocal process in which diversity is recognized as enriching society.

67. With regard to rights and obligations, everyone, regardless of origin, language, culture or religion, is afforded equal treatment. Everyone has access to public schools, public health services and the other economic and social services provided by the State. An exception is made in the full exercise of political rights, for which one must be a citizen of Liechtenstein.

68. Religious minorities. Over three quarters of the population of Liechtenstein (77.8 per cent) are Catholics. The Constitution establishes that the Roman Catholic Church is the official Church of Liechtenstein, and also guarantees freedom of religion, as well as the freedom to exercise civil and political rights regardless of one's faith. Children may be excused from religious education in public schools by invoking religious freedom. Financial support is provided to the Protestant Church and to other Churches, as well as to the Catholic Church.

69. The separation of Church and State is currently being debated in Liechtenstein (see section I.D). There is to be a clear separation of powers in some areas, and close cooperation in others.

70. Regarding Liechtenstein's commitment at the international level, it should be noted that Liechtenstein has consistently been a sponsor of the resolutions of the Commission of Human Rights on religious intolerance as well as of those adopted by the Third Committee of the General Assembly on that question.[22]

VIII. Analysis of articles 2 to 7 of the Convention

Article 2 - General obligations of States parties

Paragraph 1 - Condemnation of racial discrimination and promotion of integration among races

Subparagraph (a) - Obligation not to engage in acts of racial discrimination

71. The provisions of article 31, paragraph 1, of the Constitution of Liechtenstein on the prohibition of discrimination in respect of citizens of Liechtenstein also extend to foreign nationals through paragraph 3 of the same article, which states that the rights of foreigners shall be regulated through international law treaties, in the first instance, and, in the absence of these, through the principle of reciprocity. The International Convention on the Elimination of All Forms of Racial Discrimination is one such treaty. By acceding to the Convention, Liechtenstein extended the above-mentioned prohibition of discrimination to foreign nationals and, in particular, introduced the concept of prohibiting racial discrimination.

72. Liechtenstein distinguishes between its own citizens and those of other countries, for example, as regards entry into the labour market and the granting of residence permits (see section I.A.2 on immigration policy), on the basis of international treaties or, where none exist, the principle of reciprocity. Such distinctions are permissible under article 1, paragraph 2, of the Convention.

Subparagraph (b) - No support for acts of racial discrimination

73. Liechtenstein does not support, nor does it defend or provide financial support for racist acts. In the spirit of the Convention, Liechtenstein endeavours to curb racist ideas and behaviours and to combat all forms of racial discrimination. For example, since 1997, State and communal authorities no longer provide premises for events with a racist content (e.g. propaganda events organized by right-wing extremist groups, skinhead concerts, etc.). Moreover, all communes are urged to promote the inclusion of foreigners in all levels of community life. (For further measures, see the sections on subparagraphs (d) and (e) and on article 4.)

Subparagraph (c) - Measures to combat acts of racial discrimination on the part of State authorities and to eliminate laws or regulations promoting or perpetuating racial discrimination

74. National law in Liechtenstein affords the Convention a minimum status equal to that of a law. In addition, those provisions of the Convention are self-executing which are sufficiently specific to be applied to the facts of a case and to constitute grounds for a judgement.

75. On the institutional level, provision is made for the verification of the non-discriminatory nature of local, regional and State policies. Accordingly, any acts of State authorities that discriminate on the basis of race may be sanctioned under the administrative complaint procedure, while the Supreme Court has jurisdiction in terms of ensuring that laws and ordinances are in conformity with the Convention.

76. There are no legislative provisions in Liechtenstein that create or perpetuate racial discrimination. The lacunae which formerly existed in the area of racial discrimination have been closed by means of amendments to the Criminal Code.[23]

Subparagraph (d) - Legislative measures for the prohibition of racial discrimination

77. The amendment to article 33, paragraph 5, and article 283 of the Criminal Code provided the foundation, under criminal law, for the punishment of public acts of racial discrimination committed by private individuals (see the section on article 4).

78. As part of the Lake Constance Conference, at a dialogue on transnational security issues, held in September 2000, the Ministers of the Interior of Liechtenstein, Switzerland, Italy, France, Austria and Germany expressed their great concern at the high incidence of right-wing extremist, xenophobic and racist violence. In particular, they condemned extremist groups which attracted persons with a propensity for violence and incited such persons to violence through their ideology, and stated that the Internet must not be misused for the dissemination of racist and Nazi ideology.

79. The ministers issued a political declaration in which they urged all countries not to provide a platform for the dissemination of racist material within their territories. At the same time, the ministers emphasized their will to establish central agencies to combat the smuggling of migrants, illegal migrations and money-laundering, and to set up joint investigation groups.

80. Also with the aim of enhancing international cooperation in this area, a meeting of high-level police officers from Liechtenstein, Switzerland, Austria and Germany was held in October 2000. In the "Ravensburg Agreement", participants agreed to establish a system of close networking and to coordinate police measures to combat right-wing extremism. In order to implement this agreement, a convention on police cooperation between Liechtenstein, Switzerland and Austria[24] was concluded. Another such meeting is already in the planning stages.

Subparagraph (e) - Support for activities promoting the integration of races

81. Liechtenstein supports all activities aimed at achieving integration among races and contributes in very diverse ways towards overcoming racist ideas and actions and breaking down racial barriers and related prejudices. As a first step towards this end, the Office of Social Services, commissioned by the Government of Liechtenstein, compiled a report in the spring of 1999 on the radical right in Liechtenstein. Furthermore, a study on youth published at the same time concluded that, as in other countries, right-wing extremist ideology was becoming increasingly widespread among young people in Liechtenstein. The report on the radical right provided an analysis of the situation in Liechtenstein and outlined a series of measures which entailed, inter alia, the following:

Legal measures:

- The legal provisions against racial discrimination to be enacted and the effective implementation thereof ensured.
- Associations for the assistance of juveniles placed on probation to be introduced for custodial sentences, such assistance to include social supervision, rehabilitation and, if necessary, therapy. In particular, this should be seen in the context of the fact that the perpetrators of acts of racial discrimination, especially of a right-wing extremist nature, are most often young people, who are more likely to be turned away from right-wing extremist ideologies and actions through appropriate counselling and awareness-building than through fines or imprisonment without counselling.
- A liberalized legislative framework on naturalization to be established with a view to achieving improved integration through facilitated naturalization.

Administrative measures:

- Criminal prosecution and social assistance agencies working to combat racism to be networked.
- Police to intervene effectively in all cases of racist activities, in particular violent acts committed by skinheads and cases of racist propaganda.

Social measures:

- Support measures to be taken, such as integration projects and educational activities aimed at bringing about greater awareness of the issues of racism and the right-wing extremism and of multi-cultural coexistence in society.

82. Government subsequently commissioned the relevant agencies to examine and implement the above-mentioned measures that had not already been put into action.

83. All of the legal measures outlined above are already in force. The legal framework for preventing and combating racial discrimination was put in place by means of the amendment to the Criminal Code (article 283 and article 33, paragraph 5), and entered into force in February 2000.[25] The Act on Facilitated Naturalization[26] entered into force in July 2000 and the Act on Associations for the Assistance of Juveniles on Probation[27] entered into force in November 2000.

84. Most of the recommended administrative measures have already been put in place. In the spring of 1999, an expert group on right-wing extremism was set up within the police force on instruction from the Government. The group was given the mandate to monitor more closely the evolution of persons and groups with radical right ideologies, to prosecute resolutely criminal offences linked to right-wing extremism, and to take all measures necessary to prevent activities of the radical right. At the same time, an inter-agency coordinating group on right-wing extremism was established, with a view to exchanging information and making use of synergies between agencies active in the area of racism and right-wing extremism. The coordinating group meets on a regular basis with the expert group to discuss meaningful forms of prevention and/or intervention. The expert group submits regular reports to the Government on racist and, in particular, right-wing extremist incidents. (See section I.A.5.)

85. Measures have also been taken with a view to implementing the recommendations made in respect of social measures. In this connection, the Office of Social Services provided information in schools and to colleagues in the coordinating group involved in youth meetings on the problem of racism and right-wing extremism, "ideas on culture" was made a subject on the school curriculum (see the section on article 7), and various "multi-cultural" projects for the improvement of intercultural communication have already been implemented.

86. As a further preventive measure, a "blueprint for integration" is being planned, in which clear guidelines are established for the integration policy of the Government of Liechtenstein. The survey conducted in 2000 by the Office of Social Services among foreign associations on their needs in the area of integration, and the forthcoming "Association for Intercultural Education" constitute the first steps towards a participatory attempt to achieve integration. In contrast to the principle of one-sided adaptation by the foreign population to prevailing conditions, this participatory attempt is based on a mutual integration process based on mutual understanding and acceptance between the foreign and local populations.

87. Finally, the social medicine agency known as the "Office for Migration Issues and Problems" was established to provide health and social assistance to both individuals and groups.

88. With regard to refugee policy and as mentioned above, the integration of refugees in the labour market and the admission of refugee children in public schools represent an important contribution to peaceful, multi-cultural coexistence.

Paragraph 2 - Measures taken in the social, economic, cultural and other fields to ensure the protection of certain racial groups or individuals belonging to them and to guarantee them full and equal enjoyment of human rights

89. Liechtenstein provides the necessary infrastructure for language and social studies courses relating to their country of origin organized by private institutions for non-German-speaking children of school age. School timetables are structured with enough flexibility to take such classes into account. In this way, Liechtenstein promotes the preservation of their culture and language among foreign children.

90. In the area of vocational counselling, State agencies provide support to young foreigners and take action against any prejudice on the part of business owners offering apprenticeships. Young people with language difficulties may take advantage of a year of training prior to taking up their apprenticeship or, where no preliminary apprenticeship training is available, may pursue full-time study (known as an "integration year") at the accompanying school that prepares young people for their apprenticeship.

91. The three-year-long "Action Together" initiative, which was financed by the Head of State, Prince Hans-Adam II of Liechtenstein, by the Liechtenstein State and other official authorities as well as private persons, was aimed at bringing about improved acceptance and facilitated naturalization or dual citizenship for the spouses and children of Liechtenstein's women, as well as for foreigners residing in the country for an extended period and stateless persons living in the country, through practical action and, in particular, focused information activities. The initiative ended in late 1999 after having achieved, in large part, its objective of bringing about the liberalization of civil rights.

92. The above-mentioned project, run by the Women's Information and Contact Office (Infra) for improved integration of migrant women, for which the office was awarded the Equality Prize by the Government of Liechtenstein, and the counselling services offered by the Office of Social Services to migrant families are other services aimed at the protection of specific groups (see section VII.C.1).

Article 3 - Condemnation of segregation and apartheid

93. There is no racial segregation in Liechtenstein itself. On the international level, and in particular within the framework of the United Nations, Liechtenstein is committed to combating all forms of segregation and apartheid. It has joined in the condemnation of specific incidents of racial hatred, persecution and genocides in Bosnia and Herzegovina and in Rwanda. Liechtenstein has been a co-sponsor of the relevant resolutions adopted both by the Commission on Human Rights and the General Assembly.

94. As a State signatory to the Rome Statute of the International Criminal Court (ICC), Liechtenstein is committed to the prosecution of the crime of apartheid and the crime of persecution on racial and other grounds. These crimes are addressed in the Crimes against humanity section of the ICC Statute (art. 7.1 (h) and art. 7.1 (j)), and States parties to the Statute

are thus obliged to prosecute these crimes on the national level or, in accordance with the principle of complementarity, before the International Criminal Court. Ratification of the Statute is envisaged for 2001, if feasible.

Article 4 - Measures for the punishment of specific acts of racial discrimination

95. Article 283 of the Criminal Code stipulates that the following crimes shall be subject to a term of imprisonment of up to two years:

- Public incitement to hatred or discrimination against a person or group of persons because of the race, ethnic origin or religion of that person or group of persons;

- Public dissemination of ideologies that seek to systematically disparage or defame the members of a race or ethnic or religious group;

- Organization or promotion of or participation in propaganda activities for the same purpose;

- Public transmission by electronic means of symbols, gestures, acts of violence or other forms that disparage or discriminate against a person or group of persons based on the race, ethnic origin or religion of that person or group of persons in a manner that violates his, her or their human dignity;

- Denial, gross minimization or justification of genocide or other crimes, as well as any public transmission by electronic means for these purposes of symbols, gestures or acts of violence;

- Refusal to provide a service intended for public use to a person or group of persons on the basis of the race, ethnic origin or religion of that person or group of persons;

- Participation or membership in an association that engages in promoting or inciting racial discrimination.

96. Any person shall also be subject to criminal sanctions who produces, introduces, stores or circulates, publicly praises, exhibits, offers or shows, for the purpose of disseminating same, writings, sound or image recordings, symbols, representations or other objects of a similar nature transmitted by electronic means, the content of which constitutes racial discrimination within the meaning of article 1, paragraph 1, of the Convention.

97. Finally, article 321 of the Criminal Code affords special protection to religious, racial, ethnic, cultural or national groups and persons and establishes genocide as an offence punishable by law. In conformity with paragraph 1 of that article, any person shall be subject to life imprisonment who, with the intent of bringing about the destruction of a group or members of that group because of their affiliation with a particular church or religious community, race, people, tribe or State:

- Causes the death of members of that group;

- Inflicts grievous bodily harm or mental anguish on members of the group;

- Imposes such living conditions on the group as would lead to the death of all or some of the members of the group;

- Takes measures aimed at preventing births within the group;

- Removes children belonging to the group to another group by means of force or through the threat of the use of force.

98. Paragraph 2 stipulates that conspiracy to commit such actions shall be subject to a term of imprisonment of 10 years.

Article 5 - Elimination of racial discrimination, in particular as regards specific human rights

Subparagraph (a) - Equality before the law

99. As a State party to the International Covenant on Civil and Political Rights of 16 December 1966,[28] Liechtenstein is obligated under article 14 of the Covenant to respect the principle of the equality of all persons before the law. In conformity with article 2 of the Covenant, this right must be guaranteed, without distinction, to everyone within the territory and under the jurisdiction of Liechtenstein. On the European level, Liechtenstein is committed to the correspondent obligations of the European Convention on Human Rights.

Subparagraph (b) - The right to security of the person

100. The relevant provisions of articles 75 to 95 of section I of the Special Part of the Criminal Code establish certain acts as offences punishable by law regardless of the identity of the victim and of the offender. Treatment based on racial discrimination within the meaning of the Convention or in any other sense, therefore, does not exist. The same applies to article 312 of the Criminal Code, on torture or negligent treatment of prisoners, which is also relevant.

Subparagraph (c) - Political rights

101. Article 29 of the Constitution of Liechtenstein states that all citizens shall enjoy civil rights in conformity with the provisions of the Constitution. In addition, article 39 states that a person's faith shall have no bearing on his or her enjoyment of civil and political rights. Article 31, paragraph 2, stipulates that all citizens of Liechtenstein shall be eligible for public office, subject to compliance with the applicable legal provisions. The Public Officials Act [29] and the Educators Act[30] place nationals of other countries on an equal footing with nationals of Liechtenstein, insofar as the appropriate reciprocal agreements have been concluded with the countries in question. As stated before, any distinctions between the treatment of nationals of other countries are based in the first instance on international treaties, which is not contrary to

the Convention. Similarly, any distinction made in principle between nationals of Liechtenstein and nationals of other countries is also permissible under the Convention, provided that such distinction does not discriminate on the basis of race.

Subparagraph (d) - Other civil rights

102. Subparagraph (d) (i). Article 28 of the Constitution of Liechtenstein states that any citizen, subject to compliance with the relevant legal provisions, may settle in any place in the territory of the State. There are no elements contained in the legal provisions regulating the establishment of foreigners in Liechtenstein that constitute racial discrimination.

103. Subparagraph (d) (ii). The right to leave any country, including one's own, and to return to one's country at any time, is also guaranteed.

104. Subparagraph (d) (iii). The law regarding the acquisition and loss of the nationality of Liechtenstein as set forth in the Act of 2 November 1960[31] does not contain any language that discriminates on the basis of race.

105. Subparagraph (d) (iv). The Marriage Act of 13 December 1973[32] also contains no provisions that discriminate on the basis of race. Liechtenstein also observes article 23 of the International Covenant on Civil and Political Rights, which, in conjunction with article 2, paragraph 1, of the Covenant, prohibits any form of discrimination in this area.

106. Subparagraph (d) (v). The right to acquire property of any kind is guaranteed to all citizens of Liechtenstein under article 28, paragraph 1, of the Constitution. Here too, any inequality of treatment as regards foreigners should be regarded as non-discriminatory within the meaning of article 1, paragraph 2, of the Convention.

107. Subparagraph (d) (vi). Liechtenstein's Inheritance Act[33] is also non-discriminatory within the meaning of the Convention.

108. Subparagraph (d) (vii). The right to freedom of thought, conscience or religion is guaranteed under article 37, paragraph 1, and article 40 of the Constitution. Any limitations which may be placed thereon do not contain any elements of racial discrimination.

109. Subparagraph (d) (viii). The right to freedom of opinion and expression is also guaranteed under article 40 of the Constitution.

110. Subparagraph (d) (ix). The legal limitations placed on the right to freedom of assembly and association outlined in article 41 of the Constitution do not contain any elements of racial discrimination. Such provisions are, therefore, implemented in accordance with existing legal principles.

Subparagraph (e) - Economic, social and cultural rights

111. Subparagraph (e) (i). The national law of Liechtenstein does not expressly guarantee the right to work. However, by Liechtenstein's accession to the International Covenant on

Economic, Social and Cultural Rights of 16 December 1966,[34] that right is recognized as goal which Liechtenstein as a State party is committed to achieve. Protection from discrimination on the basis of race, colour, or national or social origin as it applies to the other areas of the right to work set out in this subparagraph are also already guaranteed under article 7 and article 2, paragraph 2, of the Covenant.

112. Article 27, paragraph 1, of the Employment Contracts Act[35] of Liechtenstein also contains such a guarantee, whereby employers are obligated to respect and protect the personality of employees within the context of labour relations. This protection is complemented by a prohibition of termination of employees on the basis of race which may be inferred from article 46, paragraph 1 (a), of the Employment Contracts Act, in which it is stated that the termination of labour relations shall be deemed to be wrongful if such termination is effected based on a trait of the other party that is determined by the nature of his or her person, unless such trait shall be germane to the labour relations or shall considerably impair cooperation in the workplace.

113. Subparagraph (e) (ii). The right to form trade unions is guaranteed under article 41 of the Constitution of Liechtenstein, as well as article 11 of the European Convention on Human Rights and article 22 of the International Covenant on Civil and Political Rights.

114. Subparagraph (e) (iii). The Social Assistance Act[36] guarantees the right to an existence in human dignity. In order to realize this right, persons in need are entitled to social assistance, which includes personal and economic assistance, the provision of employment and family assistance, as well as the rights to take legal action and to benefit from adequate housing. There exists, consequently, an express claim to the provision of housing. In principle, everyone living in Liechtenstein, regardless of nationality or racial origin, is entitled to social assistance, contingent on the existence of reciprocity, whereby citizens of Liechtenstein receive similar support in the State in question, or of international treaties regulating such support. However, social assistance is also guaranteed where it is necessary, in the common interest or in the interest of the person in need, to prevent that person from becoming derelict. Everyone living in Liechtenstein is afforded de facto equal treatment as regards social assistance. This also applies to rights and claims arising out of the Youth Act,[37] which regulates the care and protection of and assistance to young people, and which applies without distinction to all inhabitants of Liechtenstein regardless of their nationality or racial origin.

115. Subparagraph (e) (iv). This also applies to the minimum standards of medical care and social security. The International Covenant on Economic, Social and Cultural Rights establishes a "programme" right to an adequate standard of living, which includes the right to adequate food, clothing and housing,[38] as well as the right to medical care[39] and to social security.[40]

116. Subparagraph (e) (v). The same applies to access to education, as set out in article 13 of the Covenant.

117. Subparagraph (e) (vi). Finally, article 15 of the Covenant guarantees the right of everyone to take part in cultural life.

118. These rights are already implemented without discrimination under article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights. All of the relevant laws of Liechtenstein (the Social Assistance Act, the Youth Act, the Medical Insurance Act,[41] the Old Age and Survivors' Insurance Act,[42] the Disability Insurance Act,[43] the Education Act,[44] the Act on the Promotion of Culture,[45] the Equality Act[46] and the Sports Act[47]) do not contain provisions which discriminate on the basis of race.

119. Finally, the right to access to places or services intended for use by the public is taken into account through the expansion of the Criminal Code to cover refusal to provide a public service on the grounds of race (article 283, paragraph 1.5, of the Criminal Code).

120. As illustrated by cases (a) and (c) described in paragraph 125, the sentences of the Liechtenstein jurisdiction do not focus on the punishment of the perpetrator only but include reparation and indemnity for victims, as called for by the Committee in its general recommendation XXVI (2000).

Article 6 - Guarantee of effective legal remedy

Legal foundation

121. With the expansion of the Criminal Code to include provisions which establish racist attacks on human dignity and the refusal to provide a public service on the grounds of race as offences punishable by law, the foundation was laid for effective legal remedy against acts of racial discrimination. It should also be mentioned that, since Liechtenstein's accession to the International Covenant on Civil and Political Rights, the Supreme Court may be seized of matters relating to the violation of the rights set forth in the Covenant.[48] In conformity with article 2, paragraph 1, of the Covenant, these rights must be guaranteed to everyone without distinction, that is to say, regardless of race, colour, religion or national origin.

Indemnity for victims

122. There is no public law mechanism for victim assistance in Liechtenstein. Financial compensation for victims is secured by means of civil action against the offender, whether by joining criminal proceedings as a private party or by initiating a separate civil action. Where a conviction is handed down against the defendant, he or she shall be liable, inter alia, for the costs of the representative of the private party and, therefore, the costs of the victim's attorney. However, following the Austrian model, diversion measures are to be introduced for minor criminal cases. The rights of the victim are a primary concern in diversion, and this makes such measures an excellent means of victim assistance, since they seek to make material and psychological reparation for damage done through restitution involving offender and victim.

123. Article 32 of the Code of Criminal Procedure regulates participation in criminal proceedings as a private party, which, according to standing court practice, is permissible for all punishable offences, including violations. Of particular relevance to victim compensation based on a civil action is article 268 of the Code of Civil Procedure, which sets out the binding effects of criminal judgements on civil actions.

124. In connection with the liability of public officials, the Act of 22 September 1966 on the responsibility of officials for the legality of their actions[49] limits claims to compensation made by foreigners to those allowed under international treaties or those admitted under the principle of reciprocity, whereby the country of origin of the claimant must issue a declaration of reciprocity to the Government (art. 5, para. 2). With Liechtenstein's accession to the Convention, the conditions as regards international treaties have been fulfilled.

Criminal proceedings in respect of racist incidents

125. The Office of the Prosecutor of Liechtenstein has initiated criminal proceedings in the following matters which involve punishable offences with racist motivation:

(a) In March 1999, proceedings were initiated against a young man on the basis of a report made by the Office of Social Services. He was convicted of the offence of incitement to hatred, desecration of the State and its symbols and violation of the Act on the Coat of Arms, Colours, Seals and Emblems of the Principality of Liechtenstein (the Coat of Arms Act) by the Princely Regional Superior Court and ordered to pay a fine equivalent to 120 days' net income at 5 Swiss francs or, alternatively, to serve a term of 60 days' imprisonment. In conformity with article 10 of the Youth Court Act, the defendant was ordered to undergo practical training for a period of two weeks at the refugee assistance centre or another social service institution and to submit a written report to the court on his experiences. According to the text of the court's ruling, the young man had agitated on his Internet home page against foreigners, Albanians, Turks, asylum-seekers, Jews, persons of colour and "exotic" women, cast aspersions on those persons and sought to inspire contempt for them;

(b) In 1997, a national of Liechtenstein and a national of Switzerland were brought before the courts on charges of incitement to hatred for having received flyers produced by the Swiss National Initiative and distributed same in Chur and Landquart during the summer of 1997. Both defendants were acquitted. An appeal against this acquittal lodged by the Office of the Prosecutor was not admitted by the Superior Court;

(c) The citizen of Liechtenstein referred to in the above matter was, however, convicted in 1998 along with another person of grievous bodily injury and was ordered to pay a fine as well as damages and recuperation costs. The conviction was based on an attack carried out by the defendant, a member of the skinhead subculture, against several other young people at a fair in Schaan. One person was seriously injured and two others slightly injured during this altercation. A motion by the Office of the Prosecutor for criminal sanctions was not admitted by the Superior Court;

(d) In another matter, a national of Liechtenstein and a national of France were convicted in 1999 of the offence of incitement and were sentenced to a term of four months' imprisonment. This sentence was suspended and the defendants released on probation for a period of three years. The conviction was based on the drafting of a racist essay which the defendant had given to another person for the purpose of disseminating same on that person's Internet home page;

(e) The Office of the Prosecutor is currently investigating a young man for the offence of racial discrimination and other punishable offences. He is suspected of having first verbally abused and physically attacked a classmate aboard a bus, and of having subsequently appeared at the classmate's home armed with a knife and trying to gain entry into the dwelling while again being verbally abusive. The Office of the Prosecutor is expected to secure a criminal conviction in this matter in the near future.

Article 7 - Measures taken in the fields of education, culture and information

Education

126. As a means of fostering integration, intensive German language courses are conducted for children over the age of eight who have come to Liechtenstein and do not yet possess adequate knowledge of the language. The purpose of these intensive courses is to enable such children to enter the appropriate grade and type of school after a maximum of one school year. Also, German as a second language is now a subject in the new curriculum and is continued at all levels of instruction as a supplementary course. In addition to teaching language, this course covers cultural and social issues. Regular contact between teaching staff and parents during German intensive courses and supplementary courses and active support by multicultural projects in schools serve to facilitate the integration of families.

127. The inclusion of Ideas on culture as a subject in the new school curriculum is also aimed at improving cultural understanding between the children of Liechtenstein and children from other countries. By learning about various forms of linguistic expression, schoolchildren will gain insight into their own culture. This in turn reinforces their perception of their own culture and their cultural understanding and disposes them towards dealing with other cultures and developing understanding for them.

128. Various lectures and activities conducted at schools by the relevant State agencies represent yet another contribution towards intercultural dialogue and improved mutual understanding. For example, in the winter of 2000 a representative of the Office of Social Services gave a lecture on right-wing extremism at the "Liechtensteinische Gymnasium" secondary school, and the Office of Alien and Passport Affairs provided schoolchildren with a better perspective of the situation of refugees in Liechtenstein through lectures and field trips to the refugee accommodation centre.

129. Finally, youth cultural exchanges receive financial support both from the Government of Liechtenstein and from the European Union. The "Mobil" and "Moja" projects enable apprentices or young adults to pursue practical training in a European country as part of their vocational training programme.

Culture

130. Liechtenstein supports various platforms for cultural and artist exchanges. For example, the private Aterrana Foundation invites artists from different countries to Liechtenstein for a period of one year and provides them with the necessary infrastructure and financial freedom to support their artistic creativity. The Government of Liechtenstein provides financial support for

these exchange projects. In 2000 an artist from Kosovo and another from Serbia spent time in Liechtenstein. Through their joint artistic efforts, they created a symbol for peaceful coexistence among people from different States of the former Yugoslavia. An exchange of artists between Liechtenstein and Israel is taking place in 2001. In addition, the privately run but State-supported Tangente society, through its Berlin-Treptow exchange project and the Liechtenstein-Weimar Cultural Area, provides a platform for the exchange of cultural creation between Liechtenstein and Germany. The "Artists in Residence" project, which provides foreign artists with the infrastructure required for their work in Liechtenstein, also contributes to the process of cultural exchange. The project receives financing from the State-run Foundation of the Liechtenstein Museum of Art.

131. Finally, Liechtenstein maintains an active cultural exchange with its neighbouring countries. There is close regional cooperation between Liechtenstein, Switzerland, Austria and Germany, in particular within the framework of the Lake Constance Conference. For example, artists from the border regions of these countries hold joint exhibits as part of the Grenzmeile project. The most recent show included works from five artists from Liechtenstein and five Austrian artists from the surrounding region of Vorarlberg.

132. The Cultural Congress held in November 2000 was well received even beyond Liechtenstein. Representatives from a wide cross-section of society took part in the Congress, at which cultural policy perspectives were discussed, as was Liechtenstein's contribution to EXPO 2000 in Hannover and the annual Frankfurt Book Fair.

Information

133. As stated before, great emphasis is placed on sensitization and information in schools. Through lectures on topics such as refugees and right-wing extremism, schoolchildren are given a better insight into the problems involved and made more sensitive to such issues. Right-wing extremism is becoming fashionable and gaining in popularity, especially among young people. In this regard, various information activities were conducted in 2000 for those working with youth as well as members of the Youth Commission. Of note are the meeting on Marginalization and violence among young people and a round table meeting on Managing violence, and in particular the interregional seminar (in the tri-State region of Switzerland, Austria and Liechtenstein) for youth social workers and decision-makers entitled Togetherness, yes – but how? This seminar was geared in particular towards the possible role of youth social work in the integration of migrants.

134. As with all laws and international agreements, the International Convention on the Elimination of All Forms of Racial Discrimination was examined by the Parliament. The public was informed of the Parliament's approval and of the country's accession to the Convention by State agencies through press releases published in Liechtenstein's two newspapers and reports carried on national television, which command a very wide audience. The fact that human rights instruments are constantly mentioned in lectures and in treatises shows that they enjoy a particularly high degree of recognition. The text of the Convention was published in the National Law Gazette (LGBl. 2000, No. 80). Copies may be obtained from the Government Administrative Office.

IX. Concluding remarks

135. There are many foreigners who have lived in Liechtenstein for decades together with the local population. The proportion of foreigners residing in Liechtenstein amounts to over one third of the total population. In addition, there are almost 10,000 frontier commuters working in Liechtenstein. Even taking into account the fact that most of these foreigners come from the neighbouring German-speaking countries, it can be said that Liechtenstein has achieved a great deal as regards integration of foreigners. Peaceful coexistence among various nations and cultures is a feature of day-to-day life in Liechtenstein. There are no political parties with xenophobic platforms, nor do any anti-Semitic or other racist movements exist in the country.

136. However, several right-wing extremist youths have surfaced in recent years, even though Liechtenstein is not a "traditional" breeding ground for radical right activities. The inhabitants of Liechtenstein, and in particular its young people, possess a secure socio-economic foundation and good personal and career prospects. One cannot, therefore, speak of widespread social or economic problems, which are often considered the basis or at least the catalyst for xenophobic tendencies among the local population. Rather, xenophobic acts among young people may be traced back to a generalized higher propensity for aggression as part of the developmental process, in particular among young males, who use, inter alia, right-wing extremist ideologies as a means of self-expression. Aggression and violence are, therefore, often the underlying cause, while right-wing extremist ideologies are the mask or the form which these young people consider appropriate for the expression of the internal factors that motivate them.

137. Important steps have been taken to combat these trends effectively, namely the amendment of the Criminal Code, the establishment of the expert group on right-wing extremism within the police and the administration's inter-agency coordinating group on right-wing extremism, as well as increased efforts in the area of youth social work and in schools. The planned blueprint for integration is also expected to initiate a process in the area of social policy, the aim of which is to strike at the root of xenophobia and the right-wing extremism and to present a diverse range of cultures, esteem for others and the advantages of an integrated society as a positive example and a means of countering tendencies towards discrimination based on race.

138. However, it is a difficult task to deal fully with latent xenophobic mindsets in a wide sector of the population. In most cases, this defence reaction is the product of unspecified fears of "the other" - the one who has the potential to effect change and is therefore always associated with uncertainty. Wherever there are increased refugee flows, such as those occurring in the last two years as a result of the crisis in the Balkans, or where socio-economic conditions are deteriorating, the risk exists that fear will erupt into xenophobia.

139. Finally, combating such xenophobic tendencies is a task which all States must undertake together and for which, in order to find a solution, a common awareness is needed, whereby differences between people are not seen as a danger, but rather as an advantage and a source of enrichment. International efforts must be aimed at achieving peaceful coexistence among people of different ethnic or national origin or descent and with different cultural backgrounds, in mutual acceptance and with common access on an equal footing to human rights and fundamental freedoms, and the Government of Liechtenstein supports such efforts with all the resources at its disposal.

Notes

[1] The European Economic Area consists of the 15 member States of the European Union, as well as Iceland, Liechtenstein and Norway, which are member States of the European Free Trade Association (EFTA).

[2] National Law Gazette (LGBl.) 1963 No. 38.

[3] Agreement of 2 May 1992 on the European Economic Area, LGBl. 1995 No. 68.

[4] LGBl. 2000 No. 99 and LGBl. 2000 No. 287.

[5] LGBl. 2000 No. 98.

[6] LGBl. 1963 No. 39.

[7] Agreement of 15 April 1994 on the establishment of the World Trade Organization, LGBl. 1997 No. 108.

[8] LGBl. 2000 No. 141.

[9] Act of 2 April 1998 on the admission of asylum-seekers and persons in need of protection, LGBl. 1998 No. 107.

[10] In accordance with art. 55 of the Refugees Act, LGBl. 1998 No. 107.

[11] Article 32 of the Refugees Act, LGBl. 1998 No. 107.

[12] Article 32 of the Refugees Act, LGBl. 1998 No. 107.

[13] Expansion of art. 33, para. 5, and of art. 283 of the Criminal Code, LGBl. 2000 No. 36.

[14] LGBl. 1921 No. 15.

[15] LGBl. 2000 No. 36.

[16] Act of 15 December 1999 amending the Code of Criminal Procedure, LGBl. 2000 No. 37.

[17] LGBl. 1999 No. 97.

[18] LGBl. 1998 No. 107.

[19] Act on the Procedure for the Granting of Residence Permits of 12 April 2000, LGBl. 2000 No. 98, and the Ordinance on the Movement of Persons (Personenverkehrsverordnung-PVO) of 16 May 2000, LGBl. 2000 Nos. 99 and 287.

[20] LGBl. 1960 No. 23 and LGBl. 2000 No. 141. The legal framework regarding naturalization was revised several times during the 1990s. One such revision, aimed at securing equal treatment for the sexes, made it possible to acquire the nationality of Liechtenstein through both parents (LGBl. 1996 No. 124).

[21] Article 5 of the Act of 20 June 1996 amending the Act on the Acquisition and Loss of the Nationality of Liechtenstein (LGBl. 1996 No. 124).

[22] General Assembly resolutions 50/183, 51/93, 52/122 and 53/140.

[23] Amendment to article 33, paragraph 5, and article 283 of the Criminal Code, LGBl. 2000 No. 36.

[24] Treaty between the Swiss Confederation, the Republic of Austria, and the Principality of Liechtenstein on international cooperation between security services and customs authorities of 27 April 1999.

[25] LGBl. 2000 No. 26.

[26] LGBl. 2000 No. 141.

[27] LGBl. 2000 No. 210.

[28] LGBl. 1999 No. 58.

[29] LGBl. 1938 No. 6.

[30] LGBl. 1981 No. 20.

[31] LGBl. 1960 No. 23.

[32] LGBl. 1974 No. 20.

[33] Articles 531-824, General Section of the Civil Code.

[34] LGBl. 1999 No. 57.

[35] Article 1173 (a), General Section of the Civil Code, LGBl. 1999 No. 97.

[36] LGBl. 1985 No. 17.

[37] LGBl. 1980 No. 38.

[38] Article 11, paragraph 1, of the Covenant.

[39] Article 12 of the Covenant.

[40] Article 9 of the Covenant.

[41] LGBl. 1971 No. 50.

[42] LGBl. 1952 No. 29.

[43] LGBl. 1960 No. 5.

[44] LGBl. 1972 No. 7.

[45] LGBl. 1990 No. 68.

[46] LGBl. 1999 No. 96.

[47] LGBl. 2000 No. 52.

[48] Act of 18 December 1998 amending the Supreme Court Act, LGBl. 1999 No. 46.

[49] LGBl. 1966 No. 44.

List of annexes

1. Article 31 of the Constitution of Liechtenstein of 1921 (LGBl. 1921 No. 15)
2. Articles. 283, 33 and 321 of the Criminal Code (LGBl. 2000 Nos. 36/37 and LGBl. 1988 No. 37)
3. Act of 15 December 1999 amending the Criminal Code (LGBl. 2000 No. 36)
4. Act of 15 December 1999 amending the Code of Criminal Procedure (LGBl. 2000 No. 37)
5. Article 27, paragraph 1, of the Employment Contracts Act (article 1173 (a), General Section of the Civil Code) (LGBl. 1999 No. 97)
6. Act of 2 April 1998 on receiving asylum-seekers and persons in need of protection (Refugees Act) (LGBl. 1998 No. 107)
7. Act of 12 April 2000 on the Procedure for the Granting of Residence Permits (Residence Permits Act) (LGBl. 2000 No. 98)
8. Act of 16 May 2000 on the movement of persons (LGBl. 2000 No. 99) and amendments (LGBl. 2000 No. 287)
9. Act of 12 April 2000 amending the Act on the Acquisition and Loss of the Nationality of Liechtenstein (LGBl. 2000 No. 141)